

EXHIBIT "G1"

21 days after service of a
earlier
1 days, D files an answer, can
21 days is up
21 days, D files a motion to
legal memo supporting that
not specific enough to support
can do this within 21 days of

ded complaint, then D has to file an
omiss again
ses, a party may amend its pleading only
the court's leave. The Court should
res.
amended once as of course (above)
and more than 21 days after service of the
motion.
ally give leave when justice so requires, but
then justice does not require;
ay, bad faith, lack of diligence, undue prejudice,
igation can advance in a fair way, court will let it in
g and other trial

then evidence or issue not covered by the pleadings
all You can amend the pleadings to cover it.
g objects to amendment?
ould "broadly permit an amendment" unless "would
dice that party's action or defense on the merits"
disposition and all parties consent?
med as it stands in the pleadings
is, "Can amend but not total it doesn't
a lack of amendments

during some customers on the e-commerce website. Can Yard
to deny that it designed or made the pool.

The issue is if Yard Pools can amend their answer to deny that it designed or made the pool, admitting it in their initial answer. In the interest of a full explanation of the rule, Yard Pools was not granted written permission by Joe Puddle's counsel to amend.

A party may amend its pleading once as a matter of course within 21 days of filing its answer. 15(a)(1)(A). When the pleading is one where a responsive pleading is required, such as a motion to dismiss, a party must amend within 21 days of filing their answer. 15(a)(1)(B). If 21 days has passed, a party may only amend its pleading with the opposing party's written consent or the court's leave. The court should grant leave when justice so requires, but does not have to if it will cause undue prejudice, bad faith, lack of diligence, undue prejudice, or futility. *Id.* Overall, if litigation is proceeding in a fair way with the court's leave, they will likely let the amendment in.

Here, the Puddle family purchased a pool branded "Yard Pools 'R' US" (Yard Pools) from an e-commerce website. After assembling the pool, Joe Puddle jumped in and slipped due to the bottom. Joe Puddle filed suit against Yard Pools, and they answered admitting to the design and manufacture of the pool, but denying any liability for defects. During discovery a few months later, Yard Pools sought to amend their answer to deny manufacture and design of the pool, because it was a knock-off.

Yard Pools is seeking to amend their answer after 21 days, since the prompt indicates "a few months later". Because they are seeking to amend their answer after 21 days, FRCP 15(a)(2) applies. Yard Pools either needs to obtain written permission from Joe Puddle's counsel, or the court must grant them leave to amend their complaint. The Court will likely grant leave in this situation, but there could be an issue of undue delay. Depending on how the pretrial schedule was set up, [

when justice so requires.

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